THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.11424 of 2005

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DATED:20-04-2006

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BETWEEN

Nakka Sambasiva Rao.

…PETITIONER

AND

The District Collector, Krishna, Machilipatnam and others.

…RESPONDENTS

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.11424 of 2005

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of respondents 1 and 2 in not taking appropriate action on the representation dated 29-03-2005 submitted by the petitioner and other villagers objecting for construction of Gram Panchayat building in R.S.No.34/2 of Devaragunta Village, Nuziveed Mandal, Krishna District, as illegal and arbitrary.

The case of the petitioner is that a proposal was made in the year 2002 for construction of a pucca building for Gram Panchayat Office in R.S.No.34/2 and as the proposed site is only 0.023 cents instead of 0.04 cents as per the norms, the Mandal Revenue Officer has reported the District Collector that the proposed site is not sufficient for construction of the building and the said proposal was dropped. It is stated that the first respondent has accorded permission for construction of 95 Gram Panchayat buildings, in which the village in question is included. Thereafter, one Talam Venkateswara Rao and others have expressed their willingness to donate 0.05 cents in R.S.Nos. 8/5, 63/4, 32/3, which is located in the centre of the village and on the main road and that they have also addressed a letter to the first respondent and the same is pending. While so, the 3rd respondent is taking steps to construct a panchayat building in R.S.No.34/2 due to political reasons. Hence, the writ petition.

The 3rd respondent filed counter stating that the total extent of gram kantam land in R.S.No.34/2 is Ac:11-38 cents and that a new site was identified in an extent of 0-10 cents for construction of Gram Panchayat building and the same is sufficient for the said building. The Gram Panchayat convened a special meeting on 25-09-2002 and passed a resolution No.35 resolving to construct the building in the new site of an extent 0-10 cents. It is stated that the first respondent has sanctioned Rs.2-50 lakhs for construction of the said building under the proceedings dated 17-3-2005 under 'Food for Work Assurance Programme' and that the said construction work is for the benefit of 78 poor families in the village. It is further stated that due to political reasons, the petitioner filed this writ petition after commencement of the construction work

and therefore, the petition is liable to be dismissed.

In view of the aforesaid averments made in the counter-affidavit, I am of the opinion that the first respondent has sanctioned amount for construction of Gram Panchayat building in an extent of 0-10 cents, which is more than 0.023 cents, over which the petitioner was having objection, Hence, I do not see any merits in the petition.

The Writ Petition is accordingly dismissed. No order as to costs. The status quo order 24-05-2005 granted by this Court stands vacated.

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V. ESWARAIAH, J

Dated: 20-04-2006

Note:

CC by one week.

(Bo)

sj